

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

B.A. CONSTRUCTION & MANAGEMENT,
INC., a Michigan corporation and B.A. REAL
ESTATE, L.L.C., a Michigan limited liability
company,

Plaintiffs/Counter-Defendants,

CASE NO. 04-73910

-vs-

PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

KNIGHT ENTERPRISES, INC.,
a Michigan corporation,

Defendant/Counter-Plaintiff,

and

KNIGHT ENTERPRISES, INC.,
a Michigan corporation,

Third Party Plaintiff,

-vs-

BELAL ABDALLAH, an individual, LOUBNA
ABDALLAH, an individual, NABIL BERRY,
an individual, and HALA BERRY, an individual,

Third Party Defendants.

ORDER

On April 11, 2006, the Court granted summary judgment in favor of Plaintiffs, leaving the issue of damages to be decided at trial. Plaintiff's Summary Judgment Motion did not dispose of Defendant/Third Party Plaintiff's Counterclaim, alleging breach of contract and

requests damages.

After reviewing Defendant/Third Party Plaintiff Knight Enterprises' Counterclaim against Plaintiffs B.A. Construction and B.A. Real Estate, the Court finds that issues included in the Counterclaim relate to damages, the same damage issues to be presented at a jury trial on Plaintiff B.A. Construction and B.A. Real Estate's claims, and is thus intertwined with Plaintiff's damages request, and Defendant/Third Party Plaintiff's responses to those damage claims.

Therefore, the Court will not entertain any motions relating to Defendant/Third Party Plaintiff's Counterclaim, as the time for filing motions has passed. The Court requests an updated Final Pre-Trial Order reflecting the Court's April 11, 2006, April 19, 2006, and today's order, to be filed with the Court no later than July 24, 2006. At that time, the Court will schedule a trial date.

SO ORDERED.

s/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: July 12, 2006

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on July 12, 2006.

s/Denise Goodine
Case Manager